



Materials for

RACE AND CULTURAL DIFFERENCE

(Bridge Week No. 2, November 14-17, 1994)

Faculty of Law

University of Toronto

Prof. Craig Scott

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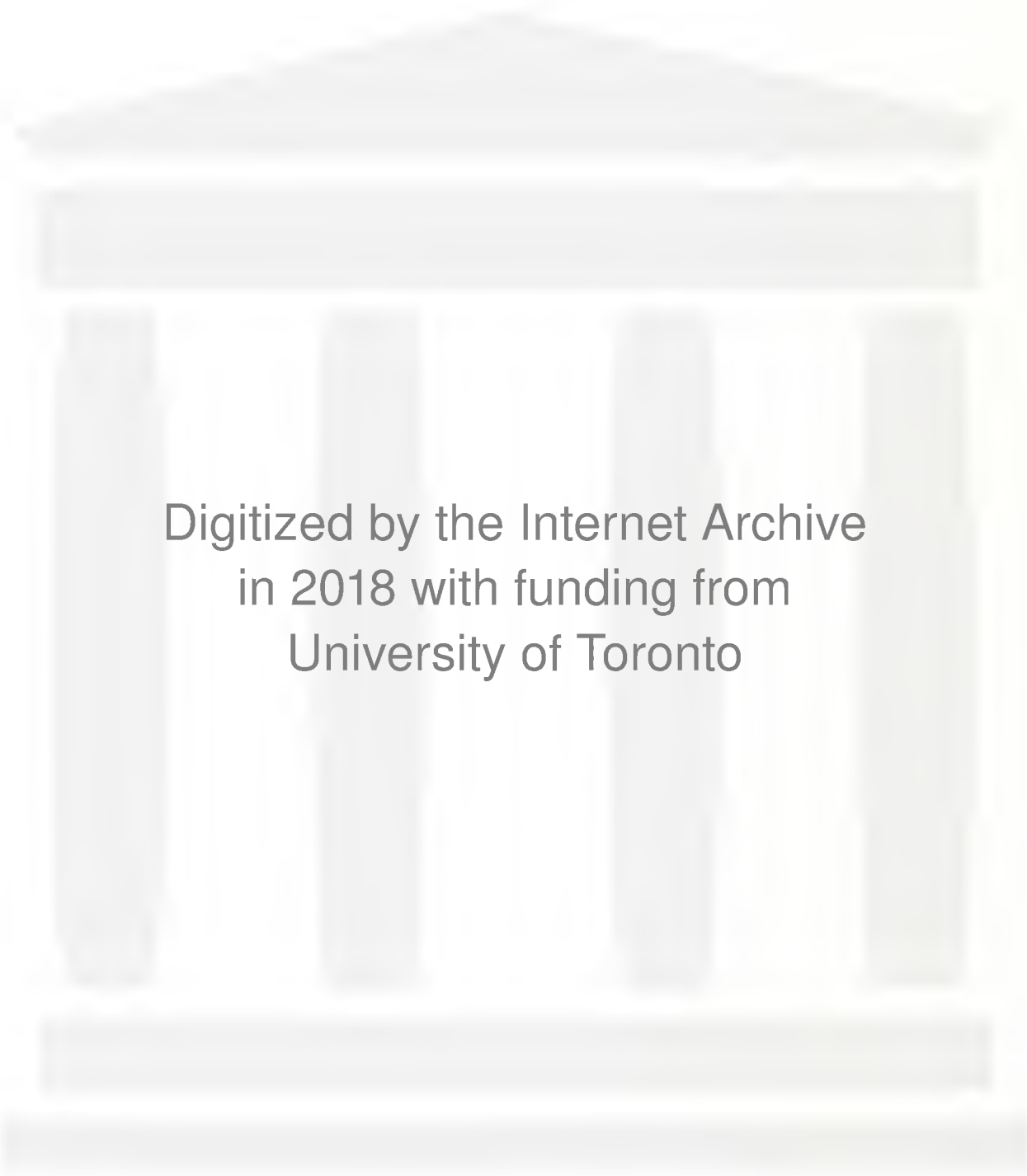
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Bridge Readings: Table of Contents

NOTE: You are asked to do as much of the reading as possible before the Bridge week. However, in light of the fact that there is a considerable amount of reading, the readings which you should, as a minimum, have read before the Bridge starts have been asterisked. Once you have received the assignment questions on the first afternoon of the Bridge, you can then read the rest of the material in the manner that best suits the approach that you wish to take to the question.

I. Difference as Domination: Understanding Racism and Ethnocentrism

Seeing Racism, Making Connections

Concepts, Frameworks and General History of Racism in Canada

Nitya Duclos, "Lessons of Difference: Feminist Theory on Cultural Diversity" (1990) 38 Buffalo Law Review 325 [definitions] 1

* "Terminology" (in Introduction), "The Forms of Racism" (in Ch. 2, Theoretical Perspectives) in Frances Henry, Carol Tator, Winston Mattis and Tim Rees, *The Colour of Democracy: Racism in Canadian Society* (Toronto: Harcourt, Brace & Co., 1995) 3-4, 44-49 4

Sherene Razack, "Racism in Quotation Marks: A Review of Philomena Essed's Work", (1991) 20:3/4 Resources for Feminist Research 148 9

* "Manifestations of Racism" and "Immigration Policies and Practices" (in Ch. 3, Racism in Canadian History) in Frances Henry, Carol Tator, Winston Mattis and Tim Rees, *The Colour of Democracy: Racism in Canadian Society* (Toronto: Harcourt, Brace & Co., 1995) 60-78 13

Conceptions of Non-Discrimination and Equality

Canadian Bar Association, Task Force on Gender Equality in the Legal Profession (Bertha Wilson, Patricia Blocksom, Sophie Bourque, Daphne Dumont, John Hagan, Sharon McIvor, Alec Robertson, Corrine Sparks), Touchstones for Change: Equality, Diversity and Accountability (Ottawa: The Canadian Bar Association, 1993) 23

* Degraffenreid v. General Motors 413 F. Supp. 142 (1976) 29

* Nitya Duclos, "Disappearing Women: Racial Minority Women in Human Rights Cases" (1993) 6 Canadian Journal of Women and the Law 25 31

<u>Jeffries v. Harris County Community Action Association</u> 615 F.2d. 1025 (1980)	35
* <u>Judge v. Marsh</u> 649 F. Supp. 740 (1986)	36

Making Connections: Elite Discourse in Educational Contexts

April Burey, "Reflections on 'Speaking for Others'", Paper Presented at Conference on <i>Feminist Issues: Post-Liberal Discourse and the Ethics of (Ms)Representation</i> , Osgoode Hall Law School, April 23, 1994	To be distributed
* "Theoretical Framework" and "Educational Discourse" in Teun A. van Dijk, <i>Elite Discourse and Racism</i> (London: Sage Publications, 1993) 18 & 197	37
* Daniel Yon, "The Educational Experiences of Caribbean Youth" in Frances Henry, <i>The Caribbean Diaspora in Toronto: Learning to Live With Racism</i> (Toronto: Univ. of Toronto Press, 1994) 120	44

The Overarching Role of the Media: Linking Elite Discourse and Everyday Thought and Talk

"Media Discourse" in Teun A. van Dijk, <i>Elite Discourse and Racism</i> (London: Sage Publications, 1993) 241	50
Augie Fleras, "Media and Minorities in a Post-Multicultural Society: Overview and Appraisal" in J.W. Berry and J.A. Laponce, eds., <i>Ethnicity and Culture in Canada: The Research Landscape</i> (Toronto: U of T Press, 1994) 272-282	53
* Teun A. van Dijk, <i>Communicating Racism: Ethnic Prejudice in Thought and Talk</i> (London: Sage Publications, 1987) 48-62	59
* Christie Blatchford, "A Minors' Victory: NDP Inquiry Has No Teeth" (Oct. 27, 1994) <i>The Toronto Sun</i> 5 (full page column with accompanying photo)	67
* "Mau Mau" in <i>Webster's New World Encyclopedia</i> 721 (New York: Prentice Hall, 1990)	68

Making Connections: Racism and Homophobia

* Andre Picard, "Hate slaying of gay man stuns Montreal" (Dec. 4, 1992) <u>The Globe and Mail</u> A1	69
"Guided Visualization of Heterosexual Hell", Extracts from Reading for Ontario Public Interest Research Group	

From Canadian Culture to the Culture of Policing

Whose Space Is This Anyway? From the Sikh Legionnaire Incident to the Accommodation of Cultural Pluralism

* Scott Feschiuk, "Legion rejects religious headgear"
(June 1, 1994) The Globe and Mail A1 70

Andrew Duffy, "Sikhs buoyed by public support"
(June 5, 1994) Toronto Star A1 71

* Lila Sarick, "Legion commander suggests segregation"
(June 8, 1994) The Globe and Mail A4 72

An Act to Incorporate the Royal Canadian Legion 73

* Neil Bissoondath, "I am Canadian"
(October 1994) *Saturday Night* 11 75

Neil Bissoondath, *Selling Illusions: The Cult of Multiculturalism in Canada* (Toronto: Penguin, 1994)
115-121, 139 80

* Iris Marion Young, "Social Movements and the Politics of Difference" in *Justice and the Politics of Difference*
(Princeton: PUP, 1990) 156 84

* Denise Réaume, "Moral and Legal Responses to the Multi-Cultural, Multi-Ethnic State"
(1993) 15 *Rechtstheorie* 25 91

Denise Réaume, "Justice Between Cultures: Autonomy and the Protection of Cultural Affiliation",
Unpublished; working draft 97

Lila Sarick, "Muslims seek school holidays"
(Oct. 7, 1994) The Globe and Mail A1 101

Our Culture of Policing

* T. Sher Singh, "When the quality of mercy is badly strained" (March 26, 1994) *The Toronto Star* B1 103

* "Relations with Police, Justice and the Courts" in

Frances Henry, <i>The Caribbean Diaspora in Toronto: Learning to Live With Racism</i> (Toronto: Univ. of Toronto Press, 1994) 201	105
* Gay Abbate, "Police prejudice exists, Metro report concludes" (Sept. 11, 1992) <u>The Globe and Mail</u> A1	116
Richard Mackie, "Sweeping inquiry launched into racism in justice system" (Sept. 30, 1992) <u>The Globe and Mail</u> A15	117
Editorial, "Racing to conclusions" (Oct. 1, 1992) <u>The Globe and Mail</u> A26	118
Dionne Brand, "Who Can Speak for Whom?" (1993) 46 Brick: A Literary Journal 13	119
Gay Abbate, Donn Downey and Richard Mackie, "Defiant police union calls on Eng to resign" (Oct. 9, 1992) <u>The Globe and Mail</u> A1	120
T. Sher Singh, "Civilian agency hamstrung by deal with police" (Aug. 15, 1991) <i>The Toronto Star</i> A19	121
T. Sher Singh, "Are police properly trained to use their guns?" (Nov. 15, 1991) <i>The Toronto Star</i> A25	123
* "Accountability", "Professional Competence", "Representation", "Police Culture", "Complaints Process", "Use of Force" (in Ch. 4, <u>Racism and Policing</u>) in Frances Henry, Carol Tator, Winston Mattis and Tim Rees, <i>The Colour of Democracy: Racism in Canadian Society</i> (Toronto: Harcourt, Brace & Co., 1995)	124
"Responses" (in Ch. 4, <u>Racism and Policing</u>) in Frances Henry, Carol Tator, Winston Mattis and Tim Rees, <i>The Colour of Democracy: Racism in Canadian Society</i> (Toronto: Harcourt, Brace & Co., 1995)	128
* Julian N. Falconer, Antoni Shelton and Charlotte Chiba on behalf of the Urban Alliance on Race Relations, <i>Police Shootings and Racism: Getting at the Truth</i> , Submission to Commission on Systemic Racism in the Ontario Criminal Justice System	131
Tracey Tyler, "Probing the mystery jail death of Robert Gentles" (October 1, 1994) <u>The Toronto Star</u> A1	147

II. Difference as Diversity: Culture, Identity, and Dialogue Across Perspectives

Thinking About Culture: Site of Oppression, Site of Liberation

- * Rosemary J. Coombe, "The Properties of Culture and the Politics of Possessing Identity: Native Claims in the Cultural Appropriation Controversy" (1993) 6 Canadian Journal of Law and Jurisprudence 249 150
- * Mohr, "Gay Studies as Moral Vision" in Mohr, *Gay Ideas* (Boston: Beacon Press, 1992) 247-48, 253-260 165
- Goldstein, "'Go the Way Your Blood Beats': An Interview With James Baldwin" in Rubenstein, ed., *Lesbians, Gay Men and the Law* (New York: The New Press, 1993) 40-45 170
- * Gilbert Herdt and Andrew Boxer, "Introduction: Culture, History, and Life Course of Gay Men" in Herdt, ed., Gay Culture in America: Essays from the Field 3-8 (Boston: Beacon Press, 1992) 176
- Anonymous Queers, "Queers Read This" in Rubenstien, ed., *Lesbians, Gay Men and the Law* (New York: The New Press, 1993) 46-47 180
- Edward Dolnick, "Deafness as Culture" (September 1993) Atlantic Monthly 37 181

Problems of Normative Categories

- Adrienne Rich, "Compulsory Heterosexuality and Lesbian Existence" in Rubenstein, ed., *Lesbians, Gay Men and the Law* (New York: The New Press, 1993) 32-39 185
- * Didi Herman, "Are We family? Lesbian Rights and Women's Liberation" (1990) 28 Osgoode Hall Law Journal 789 194
- * Nitya Iyer, "Categorical Denials: Equality Rights and the Shaping of Social Identity" (1994) 19 Queen's Law Journal 179 200
- Lamer C.J. on overlapping grounds of discrimination in Canada (A.G.) v. Mossop [1993] 1 S.C.R. 553 209

Thinking About Norms: Perspective and Privilege

- * Martha Minow, "Foreword: Justice Engendered" (1987) 101 Harvard Law Review 10 210

Iris Marion Young, "Reclaiming the Meaning of Difference" in *Justice and the Politics of Difference* (Princeton: PUP, 1990) 168 214

* P. McIntosh, "White Privilege and Male Privilege: A Personal Account of Coming to see Correspondence Through Work in Women's Studies", Working Paper #189 (Wellesley College Centre for Research on Women, 1988) 217

Aboriginal/Non-Aboriginal Dialogue

Robin Riddington, "Cultures in Conflict: The Problem of Discourse" in W.H. New, *Native Writers and Canadian Writing* (Vancouver: UBC Press, 1990) 273 223

* R. v. Moses (1992), 71 C.C.C. (3d) 347 231

III. Focus on Criminal Justice: Jurisdiction, Juries and Judging

Jurisdiction over Criminal Justice and Aboriginal Government

* Mary Ellen Turpel, "Further Travails of Canada's Human Rights Record: The Marshall Case" (1991) 3 International Journal of Canadian Studies 27 245

Joy Mannette, "The Social Construction of Ethnic Containment: The Royal Commission into the Donald Marshall Jr. Prosecution" in Denny et al., Elusive Justice: Beyond the Marshall Inquiry 62-78 (1992)] 253

Mary Ellen Turpel, "The Judged and the Judging: Locating Innocence in a Fallen Legal World" (1991) 40 UNB Law Jl. 281 257

* Justices Hamilton and Sinclair, Report of the Aboriginal Justice Inquiry: The Justice System and Aboriginal People, Vol. 1 (Manitoba, 1991), chapter 7, "Aboriginal Justice Systems", 310-336 260

* Mary Ellen Turpel, "Reflections on Thinking Concretely About Criminal Justice Reform" in Gosse, Henderson, and Carter, eds., *Continuing Poundmaker and Riel's Quest: Presentations Made At a Conference on Aboriginal Peoples and Justice* (Saskatoon: Purich, 1993) 206 274

Criminal Justice and the Issue of Representative Juries

Kent Roach, "Juries have outlived their usefulness" (May 2, 1992) <u>The Globe and Mail</u> D3	281
Extracts from M.L. Friedland and Kent Roach, <i>Cases and Materials on Criminal Law and Procedure</i> , 7th ed. (1994), notably:	
* Overview Notes on the Jury	282
<u>R. v. Kent</u> (1986), 27 C.C.C. (3d) 405	283
<u>R. v. Pizzacalla</u> (1992), 69 C.C.C. (3d) 115	284
<u>R. v. Zundel</u> (1987), 31 C.C.C. (3d) 97	285
* <u>R. v. Parks</u> (1993), 84 C.C.C. (3d) 353 (Ont. C.A.)	287
<u>R. v. Willis</u> (1994), 90 C.C.C. (3d) 350 (Ont. C.A.)	294
* <u>R. v. Williams</u> (1994), 90 C.C.C. (3d) 194 (B.C.S.C.)	295
Sheri Johnson, "Black Innocence and the White Jury" (1985) 83 Michigan Law Review 1611	300
Jeffrey Pfeifer, "Reviewing the Empirical Evidence on Jury Racism: Findings of Discrimination or Discriminatory Findings?" (1990) 69 Nebraska Law Review 230	305
Michael Bagby and Neil Rector, "Prejudicial Attitudes in a Simulated Legal Context" (1991) 11 Health Law in Canada 94	306
<u>Perspective, Judging and Diversity in Representation</u>	
*Jennifer Nedelsky, "The Challenges of Multiplicity" (1991) 89 Michigan Law Review 1591	308
Nitya Duclos, "Lessons of Difference: Feminist Theory on Cultural Diversity" (1990) 38 Buffalo Law Review 325 ("Living Difference")	318
Iris Marion Young, "The Heterogenous Public and Group Representation" in <i>Justice and the Politics of Difference</i> (Princeton: PUP, 1990) 156	320
Amy Guttmann, "The Challenge of Multiculturalism in Political Ethics" (1993) Phil. & Public Affairs 171	322

